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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

MOSE LARSEN *et al.*

Appl. No. 09/297,040

Filed: July 21, 1999

For: **Diabetes-Mediating Proteins and
Therapeutic Uses Thereof**

Confirmation No. 9201

Art Unit: 1653

Examiner: Robinson, H.

Atty. Docket: 2012.0390004/TAG/TJS

#29
Election
9/19/02
DJ

Reply to Restriction Requirement and Election of Species

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office communication dated February 25, 2002, requesting an election of a single protein from either Table 1 or 2 of the above-captioned application for examination on the merits, Applicants elect IEF 614 - ATP synthase beta subunit catalytic, the final entry on the first page of Table 2, for further examination. The period for reply has been extended five (5) months by the filing of the requisite petition and payment of the appropriate fee.

This Reply to Restriction Requirement and Election of Species is *supplemental* to the Reply to Restriction Requirement filed by Applicants on September 12, 2001. In the Office communication dated February 25, 2002, the Examiner has noted that Applicants provisionally elected the invention of Group II in that Reply. Nevertheless, the Examiner states that the Reply filed September 12, 2001, was not fully responsive because Applicants did not elect a single sequence from either Table 1 or Table 2 for prosecution. Applicants point out, however, that the Office Action mailed June 12, 2001, required election of a single protein only in the event that Group III, drawn to an *in vitro*

method of identifying a protective or deleterious diabetes mediating protein, was elected.

As Applicants elected Group II, the Reply was fully responsive to the prior Office Action.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Timothy J. Shea, Jr.
Attorney for Applicants
Registration No. 41,306

Date: August 26, 2002

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600